

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18671 of 2004

Between:

Adari Adinarayana, S/o. Venkanna,
R/o. Bhimudu Pakala (V), Addateegala (M), East Godavari District.

..... PETITIONER

AND

1 The Additional Agent to the Government, Rampachodavaram, East

Godavari District.

2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram,

East Godavari District.

3 The Mandal Revenue Officer, Addateegala (M), East Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the Petitioner from the land to an extent of 5 acres in Sy.No.24/3 of Bhimudu Pakala (M) East Godavari District in pursuance of the order passed by the 2nd respondent in L/T.R.P.No.169/2003, dt. 7-7-2004 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the statutory appeal preferred before the 1st respondent.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following ORDER: Petitioner claims that his mother-in-law, Surisetty Nagamani, was granted 'D' form patta in respect of Ac.5.00 of land situated in survey No.24/3 of Bhimudu Pakala village, Addateegala mandal, East Godavari District and after her death, his wife, who is only daughter of Nagamani, is in possession and enjoyment of the same. The Revenue authorities neither suspended nor cancelled the 'D' form patta issued in favour of the mother-in-law of the petitioner. While so, some third parties initiated proceedings against the petitioner and his mother-in-law, under Section 3(1) of A.P. Scheduled Areas Land Transfer Regulations 1/59 as amended by 1/70, before the second respondent for restoration of the land. The said proceedings were numbered as L.T.R.P.No.169 of 2003 and the same were contested by the petitioner. The second respondent, without considering the submissions made by the petitioner, passed an order dated 07.07.2004 directing their eviction from the above said land. Aggrieved by the same, the petitioner preferred a statutory appeal along with stay application before the first respondent. Petitioner submits that though the appeal is pending, the third respondent is taking steps to evict him from the land in question, in pursuance of the orders passed by the second respondent. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Having regard to the fact that the eviction orders were passed in the proceedings filed by the third parties, without considering the submissions of the petitioner, whose wife is in possession of the land in question subsequent to

the death of her mother, I deem it appropriate to dispose of this writ petition directing the first respondent to dispose of the appeal filed by the petitioner within a period of three months from the date of receipt of a copy of this order. Pending appeal before the first respondent, the order of the second respondent evicting the petitioner from the land in question is stayed.

12.10.2004

ksld

To

1 The Additional Agent to the Government, Rampachodavaram, East
Godavari District.

2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram,
East Godavari District.

3 The Mandal Revenue Officer, Addateegala (M), East Godavari
District.

4 Two CCs. to the Govt. Pleader for Revenue, High Court of Andhra
Pradesh, Hyderabad (OUT).

5 Two CD copies.